

## **Procedural Rules and Regulations Rent Leveling Board**

Pursuant to section 260-12 (A) (1), the Jersey City Rent Leveling Board issues the following procedural rules to implement the purposes of chapter 260. A copy of these rules has been filed with the City Clerk in accordance with Section 260-12(A) (1).

### **Board Meetings**

- A. The Board shall meet on the third Thursday of the month and at such additional times as necessitated by the work load. A quorum shall consist of four members.
- B. Board meetings shall take place at City Hall, 280 Grove Street, Jersey City, New Jersey and any other place the Board or Rent Leveling Administrator deems appropriate.
- D. The Board shall have a re-organization meeting within the first ten days in January in order to elect a chairperson and vice-chairperson, who shall each serve for a one year term. During the absence of the chairperson or his or her incapacity, the vice-chairperson shall perform the duties of the Chairperson. Should the chairperson or vice chairperson resign a special election for either position may be held to fill the vacancy. Notification of such election shall be sent to all the Board members before the meeting date.
- E. The chairperson shall preside at meetings in accordance with Roberts Rules of Order and shall sign all decisions of the Board.
- F. The order of business shall be as follow:-
  - 1) roll call;
  - 2) calendar call of current cases and postponements;
  - 3) the calling of cases in the order in which they are ready to proceed. The Board may, at its discretion, take those cases in which the parties or witnesses are present at the hearing;
  - 4) other business;
  - 5) adjournment.

All witnesses called before the Board to give testimony shall be sworn to their oath or shall testify by affirmation.

### **Filing a Petition with the Office of Landlord/Tenant Relations**

- 1. A tenant seeking a decrease in rent under Sec. 260-3 or 260-14 and a landlord seeking a rental adjustment under Sections 260-5 and 260-10 must file a petition with the Office of Rent Leveling on forms available from the Office of Landlord/Tenant Relations (OLT). Petitions filed with OLT must be legible and signed by the party seeking relief or his or her legal representation.
- 2. A petition shall include a copy of the lease(s), if any, and all of the relevant documents in support of the facts stated in the petition.

3. Petitions signed by a legal representative must include the New Jersey bar number of the attorney.
4. Every paper filed at OLT shall be served on the other parties or their attorneys or representatives no later than the day it is filed with OLT. Exceptions may be identified in these Rules, by statute, or by OLT order.
5. Service by delivery means:
  - a) Handing a copy to the party or a representative;
  - b) Leaving it at the party's or representative's place of business with an employee;  
or
  - c) Leaving it at the party's residence with an adult who lives there.
6. Service by mail means mailing a properly addressed copy with first-class postage by depositing it with the United States Postal Service.
7. Service by fax means faxing a legible copy to the correct fax number and receiving confirmation of transmission.
8. Any paper filed must include a signed statement that the paper was served on the parties. Such a statement is known as a "certificate of service." The certification of service shall identify the individual serving the paper, the parties served and their addresses, the way it was served, and the date served.
9. Actual receipt of a paper shall bar any claim of defective service except for a claim of late service.

### **Office of Landlord/Tenant Relations Show Cause Orders**

1. If the OLT concludes after investigation that a landlord has violated chapter 260, the OLT may fill an order to show cause and serve the landlord with a copy of the order.
2. The order to show cause shall specify the section of chapter 260 that the landlord has violated and shall describe the evidence in support of the OLT's assertions and the proposed corrective action or sanction.

### **Calculating Time Periods**

1. In computing any time period measured in days, the day of the act, event, or default from which the period begins to run shall not be included.
2. For any time period measured in days, the last day of the period shall be included unless OLT is closed on that day. In that case, the period runs until the end of the next day on which OLT is open.
3. In computing any time period measured in hours, no hours shall be excluded from the computation, except as provided in this subsection:
  - a) If any period expires before 10:00 a.m. on any day OLT is open, the period shall be extended to 10:00 a.m. on that day.

- b) If any period expires after 4:00 p.m. on any day, the period shall be extended to 10:00 a.m. on the next day OLT is open.
- c) If any period expires on a day OLT is closed, the period shall be extended to 10:00 a.m. on the next day OLT is open.

### **Conduct of Hearings before the Jersey City Rent Leveling Board**

1. The Board shall control the presentation of the evidence and the development of the record and shall determine admissibility of all evidence produced. The Board may permit narrative testimony whenever appropriate. The Board may utilize his or her sanction powers to ensure the proper conduct of the parties and their representatives appearing in the matter.
2. The Board may limit the presentation of oral or documentary evidence, the submission of rebuttal evidence and the conduct of cross-examination.
3. The Board may determine that the party with the burden of proof shall not begin the presentation of evidence and may require another party to proceed first.
4. The Board may make such rulings as are necessary to prevent argumentative, repetitive or irrelevant questioning and to expedite the cross-examination to an extent consistent with disclosure of all relevant testimony and information.
5. The Board may require any party at any time to clarify confusion or gaps in the proofs. The Board may question any witness to further develop the record.
6. The Board may take such other actions as are necessary for the proper, expeditious and fair conduct of the hearing or other proceeding, development of the record and rendering of a decision.

### **Requirements for Appeals to the Rent Leveling Board**

1. A party appealing from a decision or order of the OLT shall include in the written notice of appeal:
  - a) The decision (or part thereof) from which review is sought;
  - b) The factual and legal basis for the appeal with citations to the record (registration statements and so forth) considered by the Bureau in its final determination.
2. The notice of appeal shall be served upon all parties who participated in the proceeding before the OLT.
3. Except for good cause shown, no appeal shall rely upon any issue of fact or law or upon any documentary evidence not presented to the OLT.

## **Rules of Evidence for Hearings before the Jersey City Rent Leveling Board**

1. Only evidence which is admitted by the Board and included in the record shall be considered.
2. Evidence rulings shall be made to promote fundamental principles of fairness and justice and to aid in the ascertainment of truth.
3. Parties in contested cases shall not be bound by statutory or common law rules of evidence or any formally adopted in the New Jersey Rules of Evidence except as specifically provided in these rules. All relevant evidence is admissible except as otherwise provided herein. The Board may, in its discretion, exclude any evidence if its probative value is substantially outweighed by the risk that its admission will either:
  - a. Necessitate undue consumption of time;
  - b. Create substantial danger of undue prejudice or confusion.
4. If the Board finds at the hearing that there is no bona fide dispute between the parties as to any unstipulated material fact, such fact may be proved by any relevant evidence, and exclusionary rules shall not apply, except for (a) and (a) above or a valid claim of privilege.
5. If the qualification of a person to be a witness, or the admissibility of evidence, or the existence of a privilege is subject to a condition, and the fulfillment of the condition is in issue, the Board shall hold a preliminary inquiry to determine the issue. The Board shall indicate which party has the burden of producing evidence and the burden of proof on such issue as implied by the rule under which the question arises. No evidence may be excluded in determining such issue except pursuant to the Board's discretion under (c) above or a valid claim of privilege. This provision shall not be construed to restrict or limit the right of a party to introduce evidence subsequently which is relevant to weight or credibility.

## **Decisions of the Jersey City Rent Leveling Board**

1. The Board may issue a decision at the close of any hearing where a majority determine that the circumstances appropriately permit an immediate decision and the questions of fact and law are sufficiently non-complex.
2. The decision shall be announced by the chairperson and entered into the record, transcribed or summarized in suitable form by the OTL, signed by the chairperson of the Board and sent to the parties.
3. If a decision is not issued immediately after the hearing, the Board shall take the case under advisement and issue a written decision.
4. The written initial decision shall be promptly served upon the parties.

5. The written decision shall contain the following elements which may be combined and need not be separately discussed:
  - a. An appropriate caption;
  - b. The appearances of the parties and their representatives, if any;
  - c. A statement of the case;
  - d. A procedural history and list of hearing dates;
  - e. A statement of the issue(s);
  - f. A factual discussion;
  - g. Factual findings;
  - h. A legal discussion;
  - i. Conclusions of law;
  - j. A disposition;
  - k. A list of witnesses and of exhibits admitted into evidence.